



*City of Charleston*

# PLANNING COMMISSION

**October 20, 2021**

Regular Meeting at 5:00 PM

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DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY

[www.charleston-sc.gov/pc](http://www.charleston-sc.gov/pc)

**\*\*Video and microphone is currently disabled for all attendees.\*\***

**This meeting is being recorded.**

Go to [www.charleston-sc.gov/PC](http://www.charleston-sc.gov/PC) for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.

# Planning Commission – October 20, 2021

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Just as in an in-person meeting, all items heard today are part of a **public meeting format**. Following this introduction, staff will explain how public comments will be shared in this virtual setting.

All **zoning, rezoning and ordinance amendment requests** will receive a recommendation from the Planning Commission and will then go to City Council. Public hearings for the zoning, rezoning and ordinance amendment items will be held at the **November 23, City Council** meeting.

Meeting results will be posted on the City's website at [www.charleston-sc.gov/pc](http://www.charleston-sc.gov/pc).

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## Your City of Charleston Planning Commission Members are:

Charles Karesh – *Chair*

Harry Lesesne – *Vice-Chair*

Jimmy Bailey, Jr.

Loquita Bryant-Jenkins

Erika V. Harrison

Donna Jacobs

Angie Johnson

Sunday Lempesis

Chaun William Pflug

## Your City of Charleston Assisting Staff are:

Christopher Morgan, *Planning Manager*

Lee Batchelder, *Zoning Administrator*

Philip Overcash, *Senior Planner*

Ana Harp, *Senior Zoning Planner*

Chloe Stuber, *Planner*

Philip Clapper, *Clerk*

# Virtual Meeting Protocol

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Staff will control the PowerPoint slides displayed throughout the meeting.

Applicants, staff, Commissioners, and the public are required to give their name first whenever speaking.

Video and microphone have been disabled for all attendees. The public will only be given the capability to speak when they are called on during the public comment period. Applicants will be promoted to panelist for the duration of their item, giving them temporary access to microphone and video. They should remain muted unless called on to speak.

Chat and the Q&A functions have been disabled for everyone.

These proceedings are being recorded.

## **Order of the Meeting:**

- City staff present the agenda item and recommendation
- Applicant comments
- Public comments in favor (first spoken, then written)
- Public comments in opposition (first spoken, then written)
- Applicant response
- Commission discusses agenda item, makes a motion, and votes

# Virtual Meeting Protocol

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## **Commission:**

- Commission members should be both seen on video and heard when speaking.
- Commissioners will be polled by the Chairman for comments and for their vote on a motion. Each member, when voting, should respond “Yea, in favor” or “Nay, not in favor”. The Chairman shall re-read the motion verbatim and the Commissioner making the motion should correct the Chairman if he has not re-read the motion accurately.
- Commissioners that need to recuse themselves from voting will be temporarily removed from the meeting and re-admitted prior to addressing the next agenda item.
- If the Commission needs to go into Executive Session, they will call into a separate conference line and all video and audio on Zoom will be temporarily turned off until they are ready to return to the regular meeting.

# Public Comment Period

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## Providing Comment:

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# Rezoning 1

200 Spring St (Westside - Peninsula)

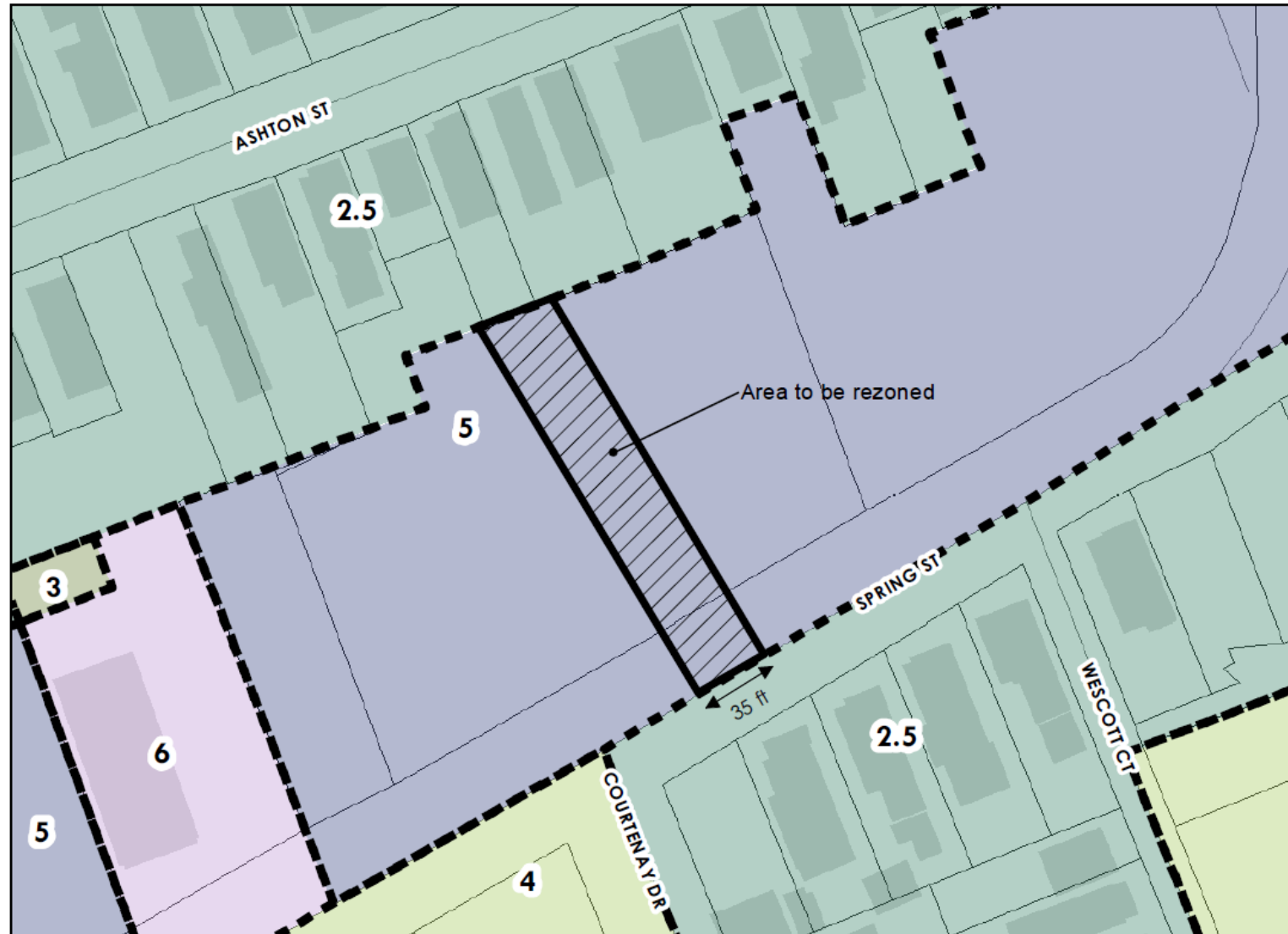
TMS # 4601101011 (a portion)

approx. 0.12 ac.

Request rezoning from 5 Story Old City  
Height District Classification to 6 Story  
Old City Height District Classification.

Owner: 200 Spring Street Development,  
LLC

Applicant: Same as owner



# Rezoning 2

210 Spring St (Westside - Peninsula)

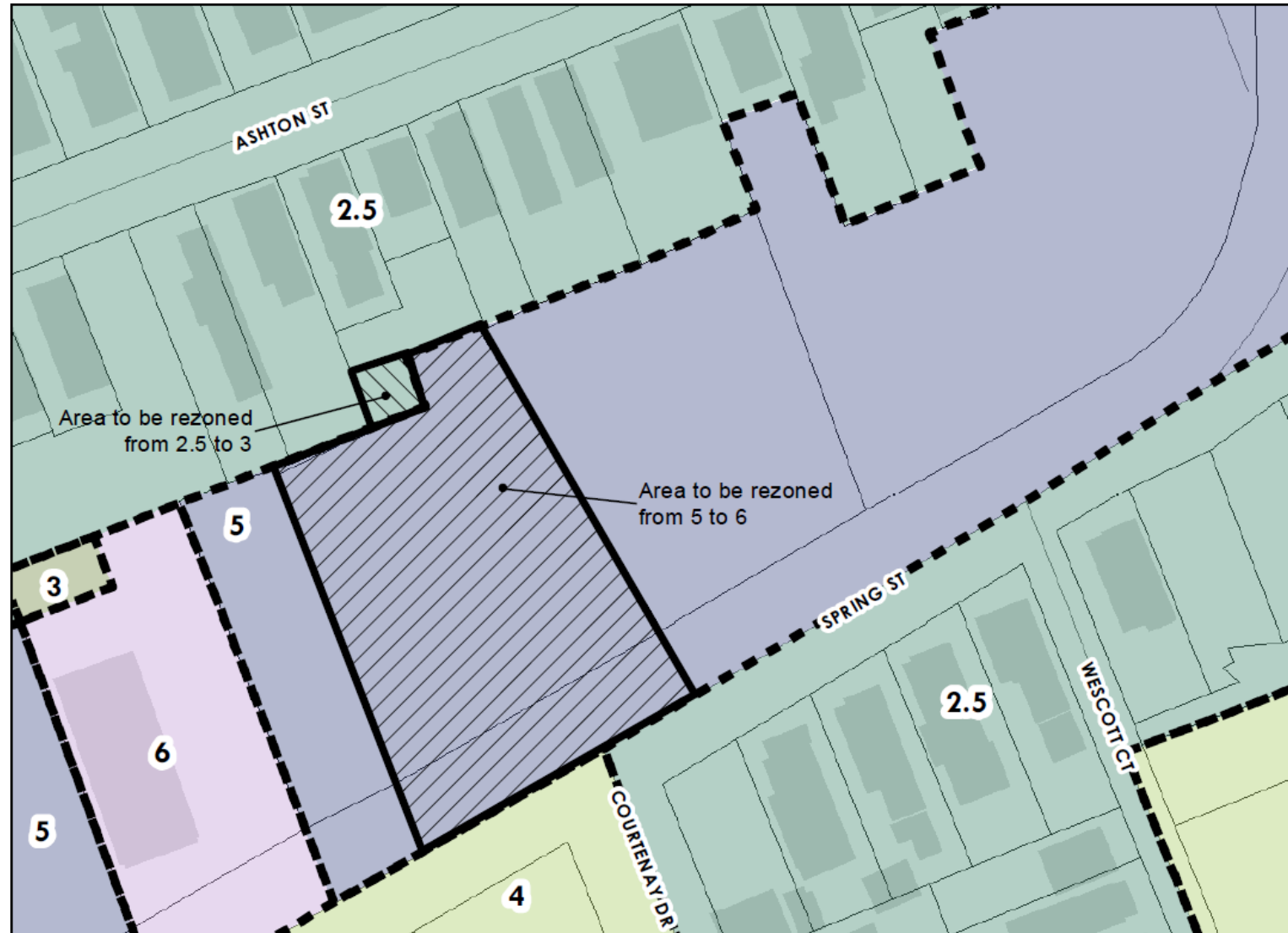
TMS # 4601101013 (a portion)

approx. 0.46 ac.

Request rezoning approx. 0.44 ac. from 5 Story to 6 Story Old City Height District Classification and approx. 0.015 ac. from 2.5 Story to 3 Story Old City Height District Classification.

Owner: JJR Development, LLC

Applicant: Same as owner



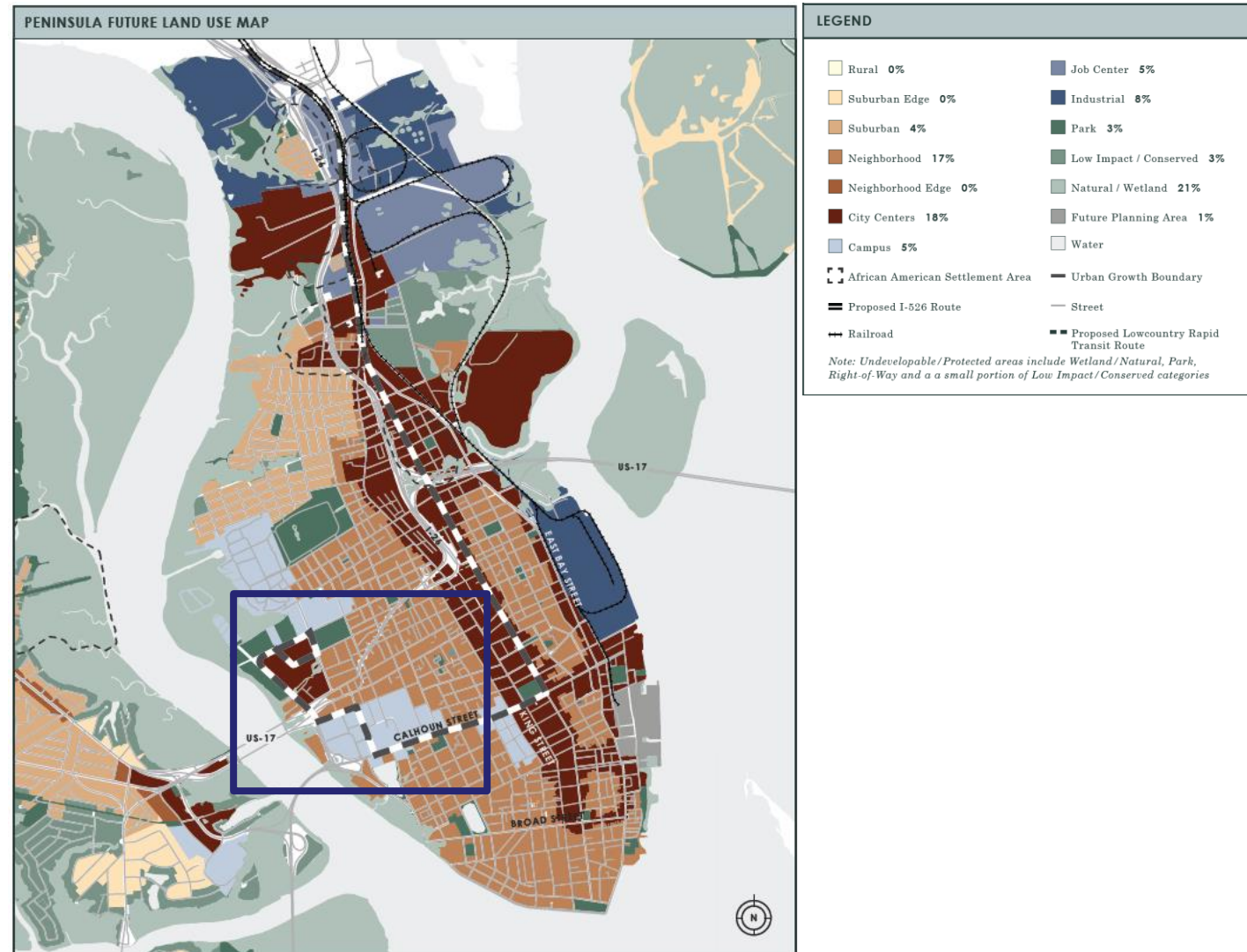
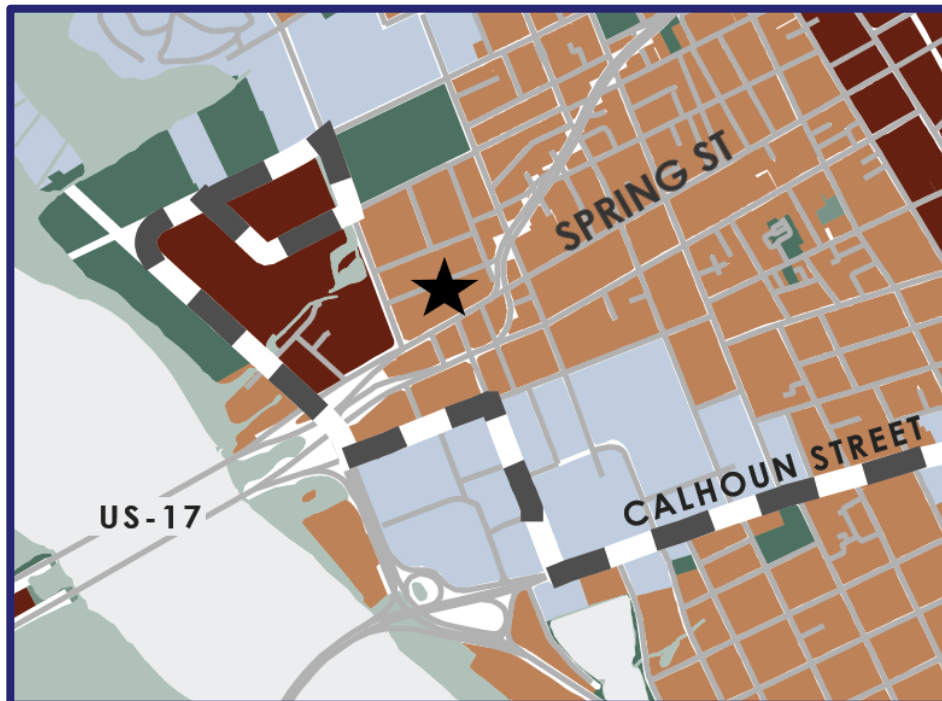


# City Plan Future Land Use Recommendation

REZONING 1 & 2

PROPERTIES ON SPRING ST (WESTSIDE – PENINSULA)

**NEIGHBORHOOD**





AERIAL

REZONINGS 1 & 2

SPRING ST  
(WESTSIDE - PENINSULA)





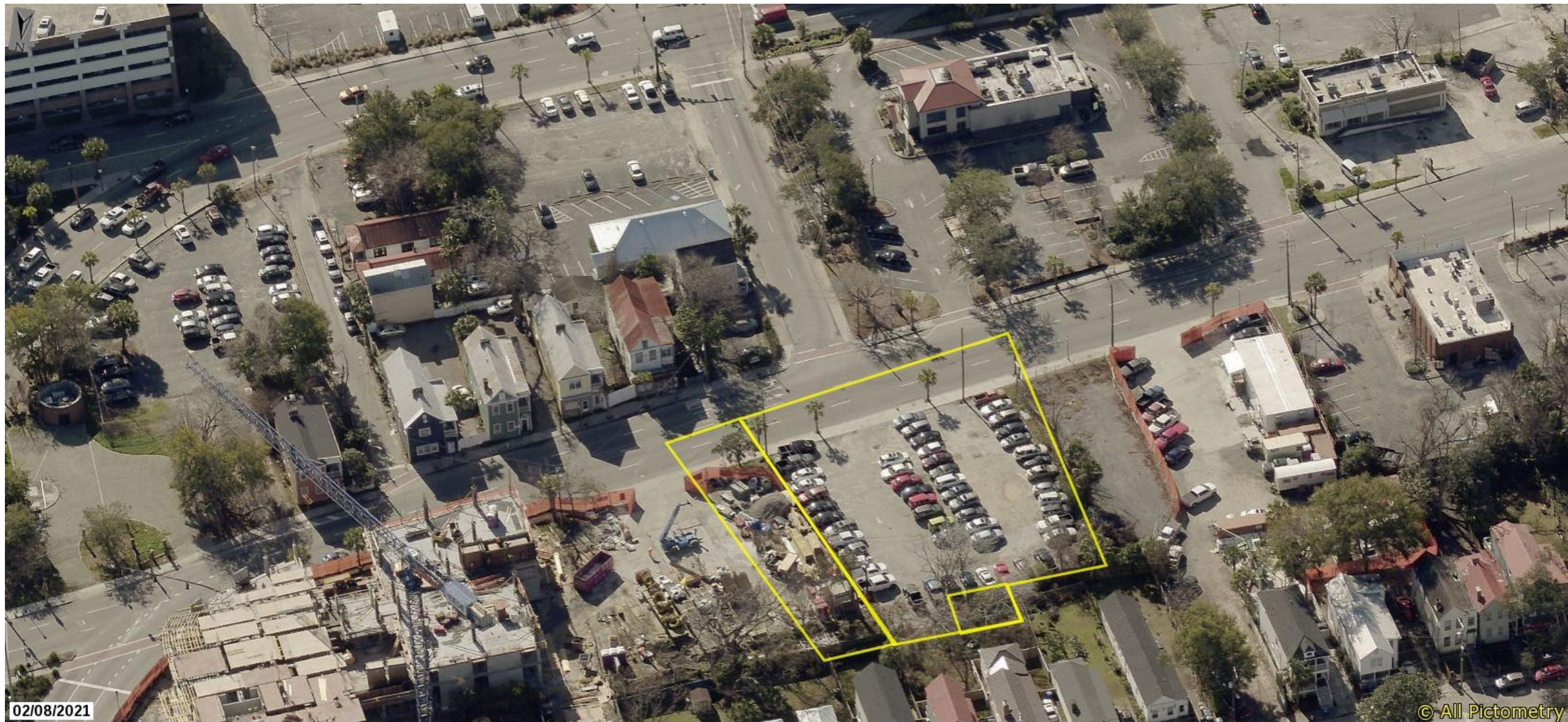
## SUBJECT PROPERTY: OBLIQUE IMAGE FACING NORTH



Go to [www.charleston-sc.gov/PC](http://www.charleston-sc.gov/PC) for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.



## SUBJECT PROPERTY: OBLIQUE IMAGE FACING SOUTH



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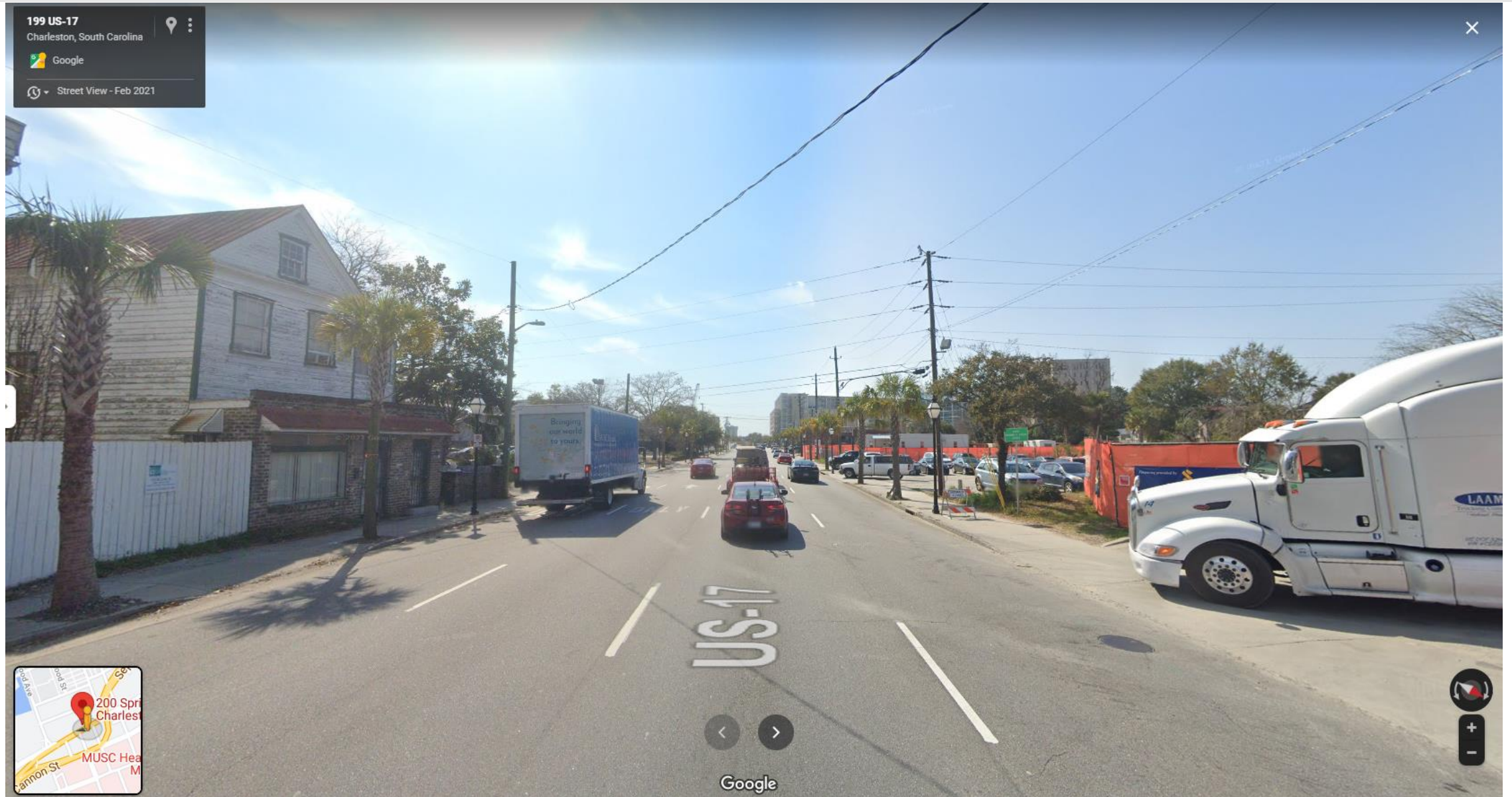
## STREET VIEW FACING EAST



Go to [www.charleston-sc.gov/PC](http://www.charleston-sc.gov/PC) for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.



## STREET VIEW FACING WEST



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# Rezoning 1 & 2

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Staff Recommendation:

**APPROVAL**

# Public Comment Period

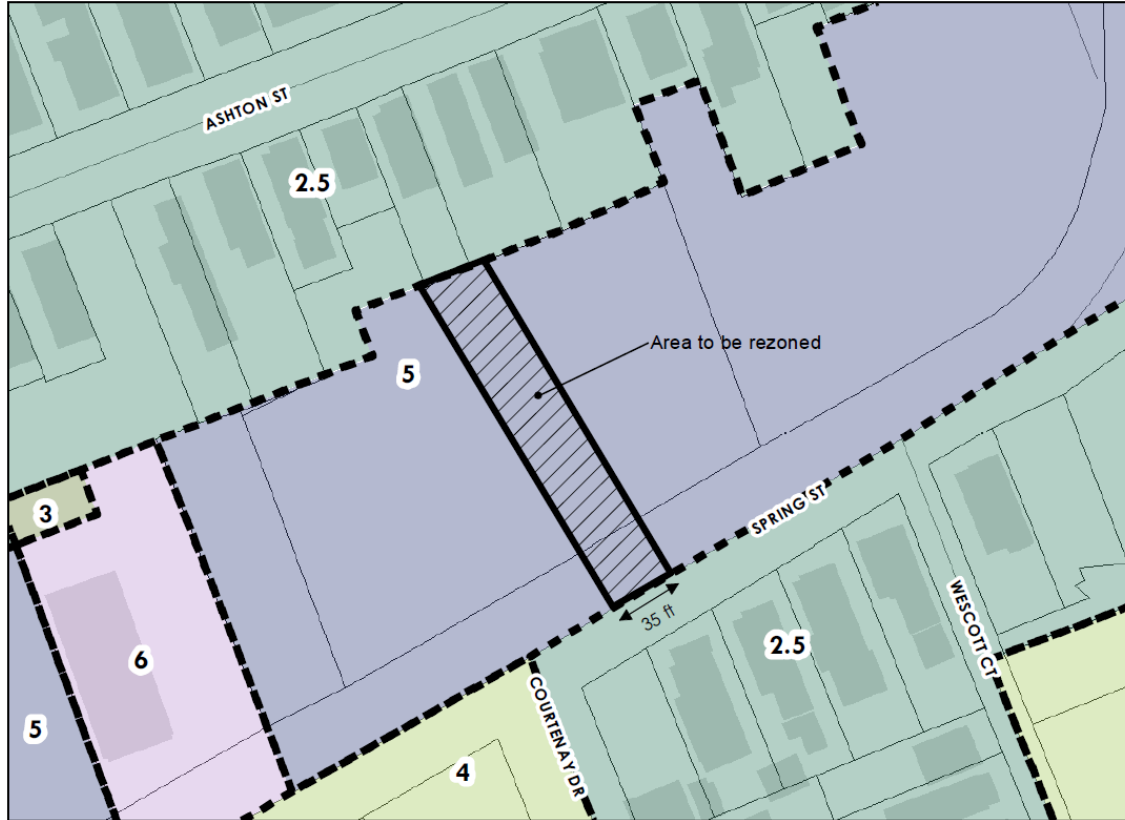
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# Rezoning 1-2: Discussion & Vote



**Rezoning 1: 200 Spring St**



**Rezoning 2: 210 Spring St**

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# Rezoning 3

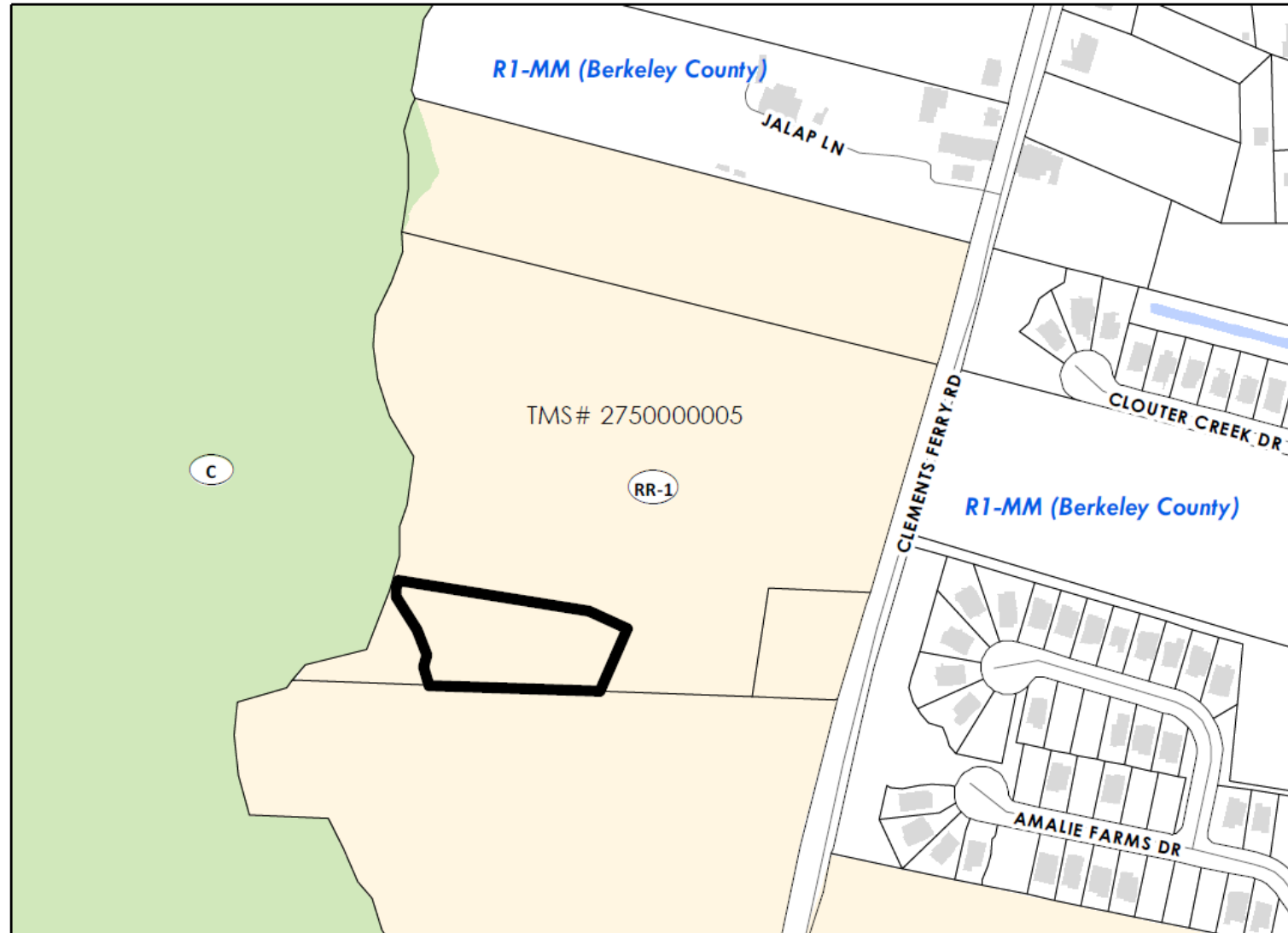
Clements Ferry Rd (Thomas Island South)

TMS # 2750000005 (a portion)

approx. 1.5 ac.

Request rezoning from Rural Residential  
(RR-1) to Conservation (C).

Owner: Clouter Creek Reserve LLC  
Applicant: Seamon Whiteside

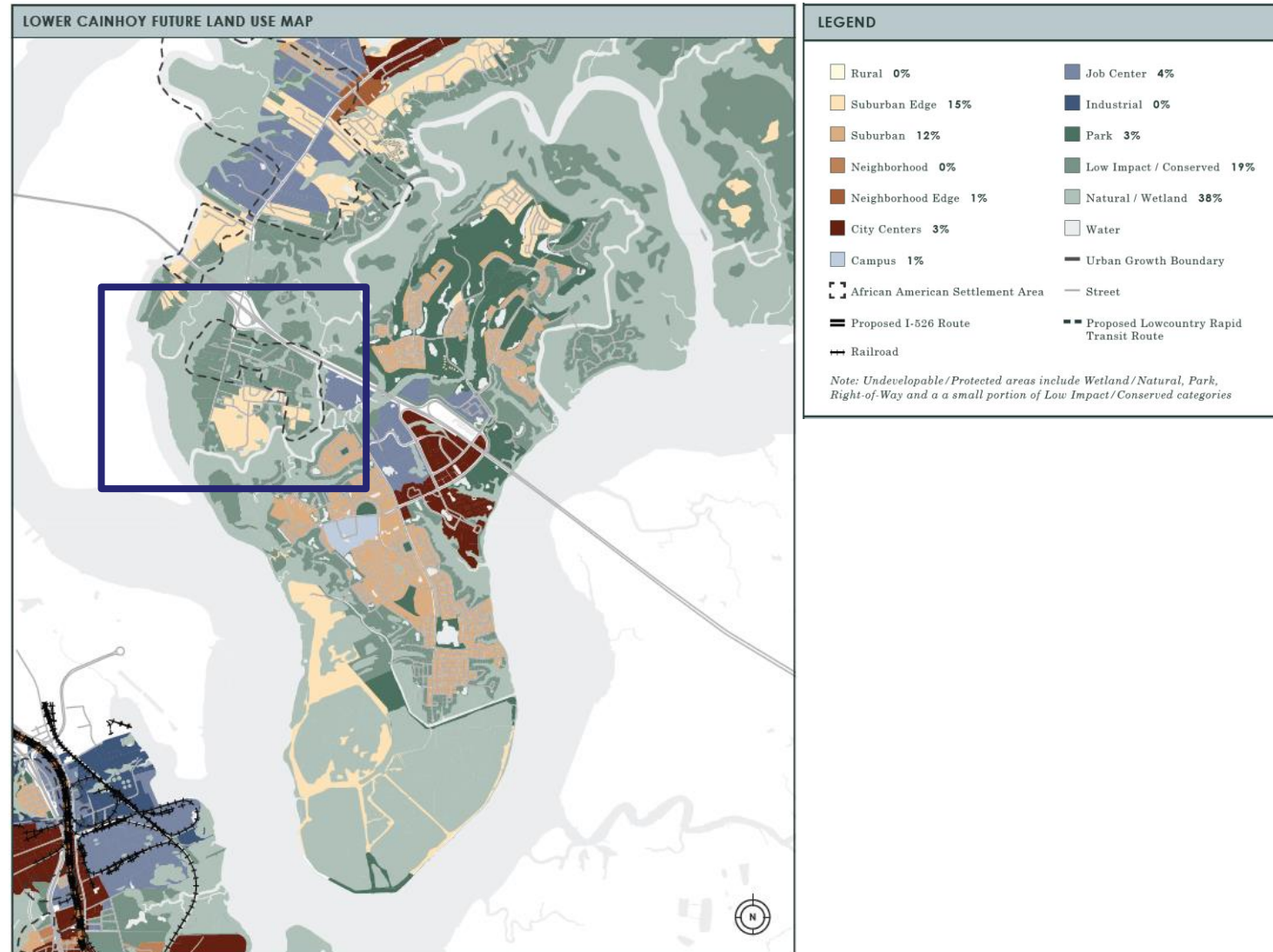


# City Plan Future Land Use Recommendation

REZONING 3

CLEMENTS FERRY RD (THOMAS ISLAND SOUTH)

**LOW IMPACT/CONSERVED**

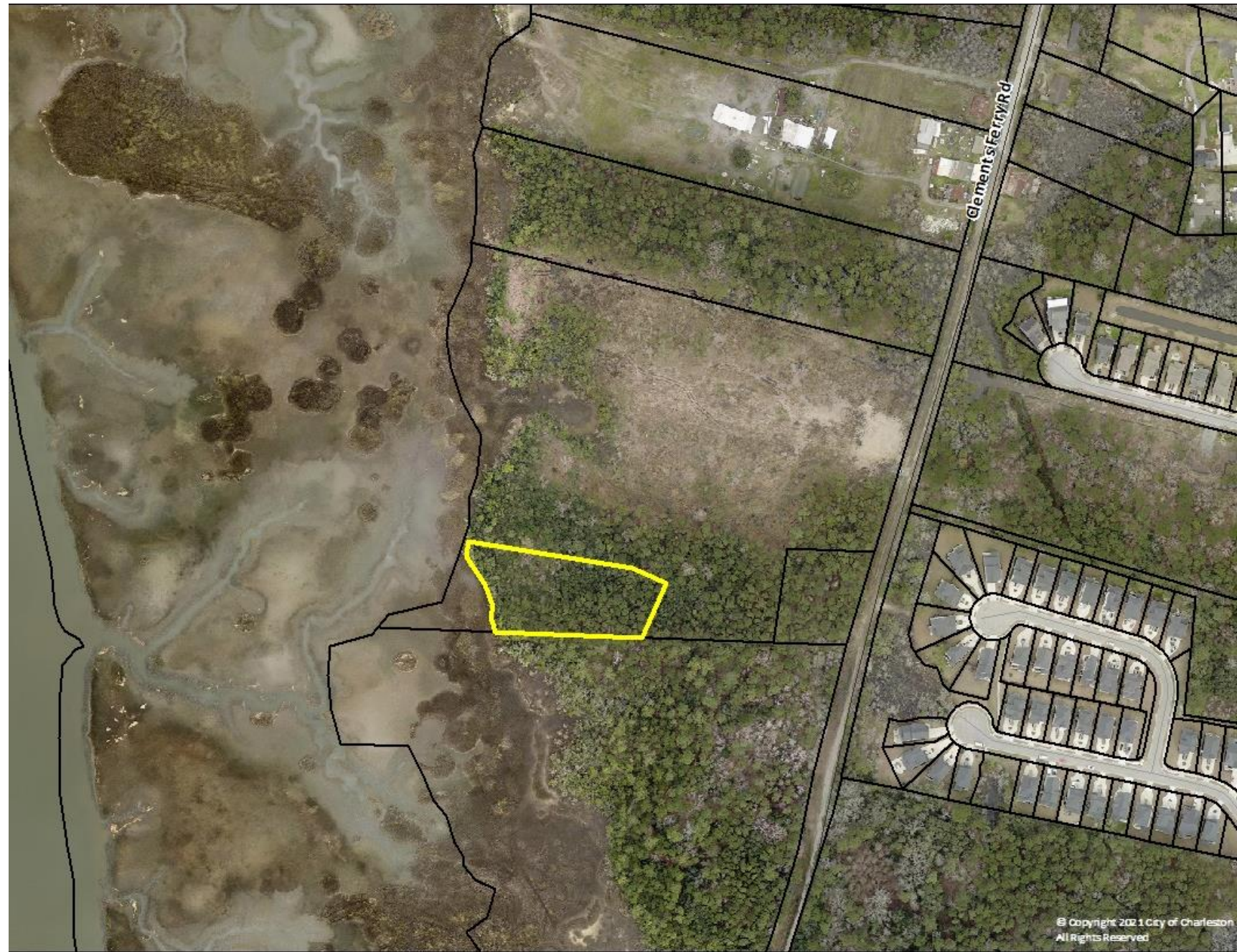




AERIAL

REZONING 3

CLEMENTS FERRY RD  
(THOMAS ISLAND SOUTH)



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## SUBJECT PROPERTY: OBLIQUE IMAGE



02/17/2021

© All Pictometry

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# Rezoning 3

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Staff Recommendation:

**APPROVAL**



# Public Comment Period

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# Rezoning 3: Discussion & Vote

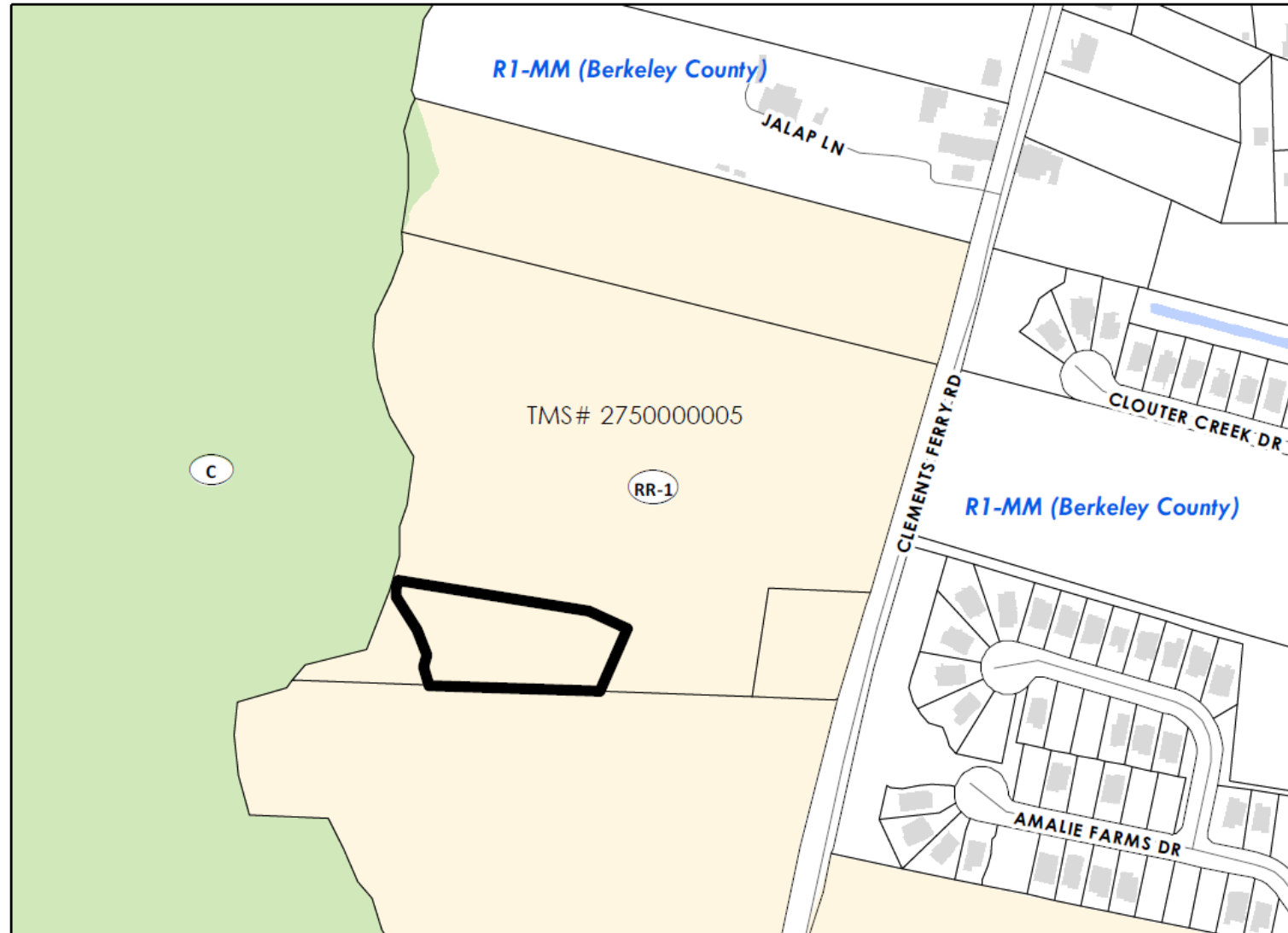
Clements Ferry Rd (Thomas Island South)

TMS # 2750000005 (a portion)

approx. 1.5 ac.

Request rezoning from Rural Residential (RR-1) to Conservation (C).

Owner: Clouter Creek Reserve LLC  
Applicant: Seamon Whiteside



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# **Ordinance Amendment 1**

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**Request to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance), Article 9-Administration and Enforcement, Part 5-Vested Rights, Section 54-962-Term.**

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE), ARTICLE 9-ADMINISTRATION AND ENFORCEMENT, PART 5-VESTED RIGHTS, SECTION 54-962-TERM

THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS IN CITYCOUNCIL ASSEMBLED:

Section 1. That Article 9-Administration and Enforcement; Part 5-Vested Rights; Section 54-962-Term be amended as follows:

(A) Vesting Periods.

- (1) The approval of a site specific development plan results in a two-year vested right in the approved site specific development plan from the date of approval by the local governing body.
- (2) Within the vesting period, the property owner may make application and be granted a building permit from the City's Building Department in accordance with all other applicable City regulations.

(B) Extensions of vesting periods and limitations thereto.

- (1) Subsequent modifications or amendments to an approved site specific development plan shall not re-establish or extend the initial two- year vesting period if the underlying land development ordinances or regulations have been amended in a manner that would prohibit the execution of the site specific development plan.
- (2) A site specific development plan is eligible for at least five annual extensions of the vested right, which must be approved unless an amendment to this Chapter has been adopted that prohibits approval.
- (3) Any change or amendment to this Chapter that would no longer allow execution of the site specific development plan constitutes a prohibition of the approval of the extension.
- (4) The property owner must submit a written request for the extension to the local governing body that approved the site specific development plan, prior to the expiration of the initial two-year vesting period and each successive annual vesting period; failure to make a timely request shall void the request.

~~Upon application by the landowner of property with a vested right at the end of the two-year vested right term to the local governing body that approved the site specific development plan, the term shall be extended on an annual basis for up to five (5) annual extensions, provided there have been no amendments to this Chapter which precludes or prohibits any aspect of the site specific development plan.~~

# Ordinance Amendment 1

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Staff Recommendation:

**APPROVAL**

# Public Comment Period

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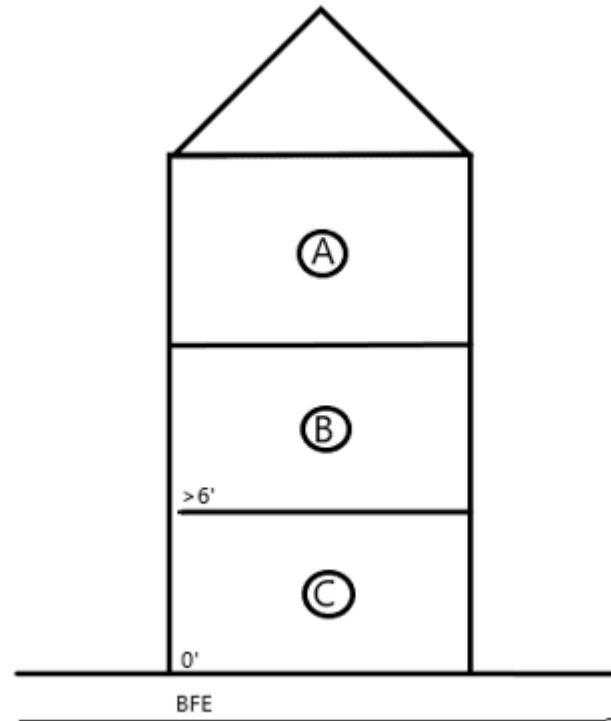
# Ordinance Amendment 2

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**Request to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) Article 2-General Provisions, Part 3-Defintions, Section 54-120-Definitions and Article 5-Exceptions and Modifications, Part 2-Exceptions to height and setback requirements, Section 54-505-Exceptions to height requirements.**



Is this a two story or three story house?



A – is a Story

B – is a Story

C – is a Story *if*

- BFE (Base Flood Elevation) is more than 1 ½ feet below the floor, OR
- Lot is not located within a Special Flood Hazard Area

1053 Rivershore Rd

Charleston, South Carolina



Google

Street View - Jun 2019



Google

Image capture: Jun 2019 © 2021 Google United States Terms Privacy Report a problem

Go to [www.charleston-sc.gov/PC](http://www.charleston-sc.gov/PC) for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.



**ORDINANCE NO.:** \_\_\_\_\_

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) ARTICLE 2-GENERAL PROVISIONS, PART 3-DEFINITIONS, SECTION 54-120-DEFINITIONS AND ARTICLE 5-EXCEPTIONS AND MODIFICATIONS, PART 2-EXCEPTIONS TO HEIGHT AND SETBACK REQUIREMENTS, SECTION 54-505-EXCEPTIONS TO HEIGHT REQUIREMENTS

THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS IN CITYCOUNCIL ASSEMBLED:

**Section 1.** That Article 2-General Provisions; Part 3-Definitions; Section 54-120-Definitions; “Story” be amended as follows:

**Story.** That portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above it, then the space between such and the ceiling next above it. Except as provided for in Sec. 54-505-e., a crawl space that exceeds six (6) feet in height from the floor to the bottom of the horizontal floor structure above, shall count as a story.

**Section 2.** That Article 2-General Provisions; Part 3-Definitions; Section 54-120-Definitions be amended by inserting the following definitions in alphabetical order:

**Crawl Space.** Crawl space is defined as an underfloor space that is not a basement, is designed to preclude habitable space, and is located beneath the lowest finished (habitable) floor.

**Special Flood Hazard Area.** SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled on Flood Insurance Rate Maps as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30.

**Section 3.** That Article 5-Exceptions and Modifications; Part 2-Exceptions to Height and Setback Requirements; Section 54-505-Exceptions to Height Requirements be amended as follows:

**Sec. 54-505. Exceptions to height requirements.**

In all areas covered by this Zoning Ordinance, except in those areas covered by the Old City Height Districts as described in 54-305, the following exceptions shall apply:

- a. The height limitations of this Chapter shall not apply to church spires, belfries, cupolas and domes not intended or used for human occupancy; monuments, water towers, observation towers, transmission towers, masts and aerials, provided that such uses are not within the aircraft landing approach zone. Whenever any of the above uses are proposed within aircraft approach zones, an applicant must submit written approval

received from the proper aeronautical authorities before a building permit may be issued.

- b. In any General Business, Gathering Place, Urban Commercial, Business Park, or Light Industrial district, the maximum height for a communication tower shall be determined by Section 54-207, c. In any Heavy Industrial district, the maximum height for a communication tower shall not exceed four hundred (400) feet provided the tower is located no closer to a residential or conservation zoned property than a distance equal to one-half ( $\frac{1}{2}$ ) the height of the proposed tower and no closer to the centerline of a public right-of-way than a distance equal to one-third ( $\frac{1}{3}$ ) the height of the proposed tower. In any Light Industrial or Heavy Industrial district, the maximum height of any other non-residential structure may be increased to eighty (80) feet provided the structure is set back from all property lines a minimum distance equal to the total height of the structure.
- c. In any Conservation, RR-1, SR-1, SR-2, SR-6, SR-7 and STR zoning district, the height of a dwelling may be increased to forty (40) feet, but not exceed  $2\frac{1}{2}$  stories, provided that the width of each side yard required by Table 3.1 for the districts in which the building is located is increased a distance equal to at least two times the added height of the buildings above the thirty-five (35) foot limitation of the district.
- d. Properties in the Conservation, RR-1, SR-1, SR-2, SR-6, SR-7 and STR zoning districts located within a Flood Insurance Rate Map (FIRM) special flood hazard area shall be permitted to have dwellings with a maximum height, not to exceed forty-seven (47) feet or  $2\frac{1}{2}$  stories, whichever is less, based on the following formula: (FIRM base flood elevation + two feet of additional freeboard - lowest curb line elevation adjacent to the site + 35).

- e. Properties in the Conservation, RR-1, SR-1, SR-2, SR-6, SR-7 and STR zoning districts located within a Flood Insurance Rate Map (FIRM) special flood hazard area where the elevation of the crawl space floor is not more than one and one-half ( $1\frac{1}{2}$ ) feet above the FIRM Base Flood Elevation prescribed by the FIRM, as defined in Sec. 27-103 of the Code of the City of Charleston, shall be permitted to have a crawl space exceeding six (6) feet in height that does not count as a story, provided the building height limitation in feet for the zoning district is not exceeded.
- ¶f. In any General Office, Limited Business, General Business, Urban Commercial, Light Industrial or Heavy Industrial district, the height limitation for public buildings, churches, hospitals or schools may be increased to eighty (80) feet, but not exceed six (6) stories; provided that the width of each side yard and rear yard is at least twenty-five (25) feet. In addition, the Commercial Corridor Design Review Board is authorized to permit architectural features such as parapets, cupolas, roof structures, and other similar features, on the above referenced buildings under their review authority, to exceed the eighty (80) foot height limitation but not exceed a total building height of ninety-five (95) feet.
- eg. In any General Office, Limited Business, General Business, Urban Commercial, Light Industrial or Heavy Industrial district, the Commercial Corridor Design Review Board is authorized to permit architectural features such as parapets, cupolas, roof structures, and other similar features, on any building under their review authority, to exceed the



fifty-five (55) foot height limitation but not exceed a total building height of seventy (70) feet.

- fh. In any business or industrial district, the height limitation of the district may be exceeded by structures requiring special design on account of their particular use in industry or commerce such as chimneys, stacks, grain elevators, detached water or wireless towers, provided they otherwise comply with the regulations prescribed.
- gi. In any business or industrial district, chimneys, stacks, elevator bulkheads, elevator penthouses, stair towers, gas or water towers, cooling towers, stage towers or scenery lofts, and other necessary mechanical appurtenances, where permitted by the use regulations of this Chapter and when erected upon and as an integral part of the building, may be erected or extended above the height limit of the district; provided that any such structure shall be set back from the vertical plane of the permitted building setback line one (1) foot horizontally for each two (2) feet of extra height.

**Section 4.** That these amendments adopted hereby shall take effect and be in full force and effect immediately upon ratification.

# Ordinance Amendment 1

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Staff Recommendation:

**APPROVAL**

# Public Comment Period

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# Subdivision 1

1555 Juniper St (Ardmore/Sherwood –  
West Ashley)

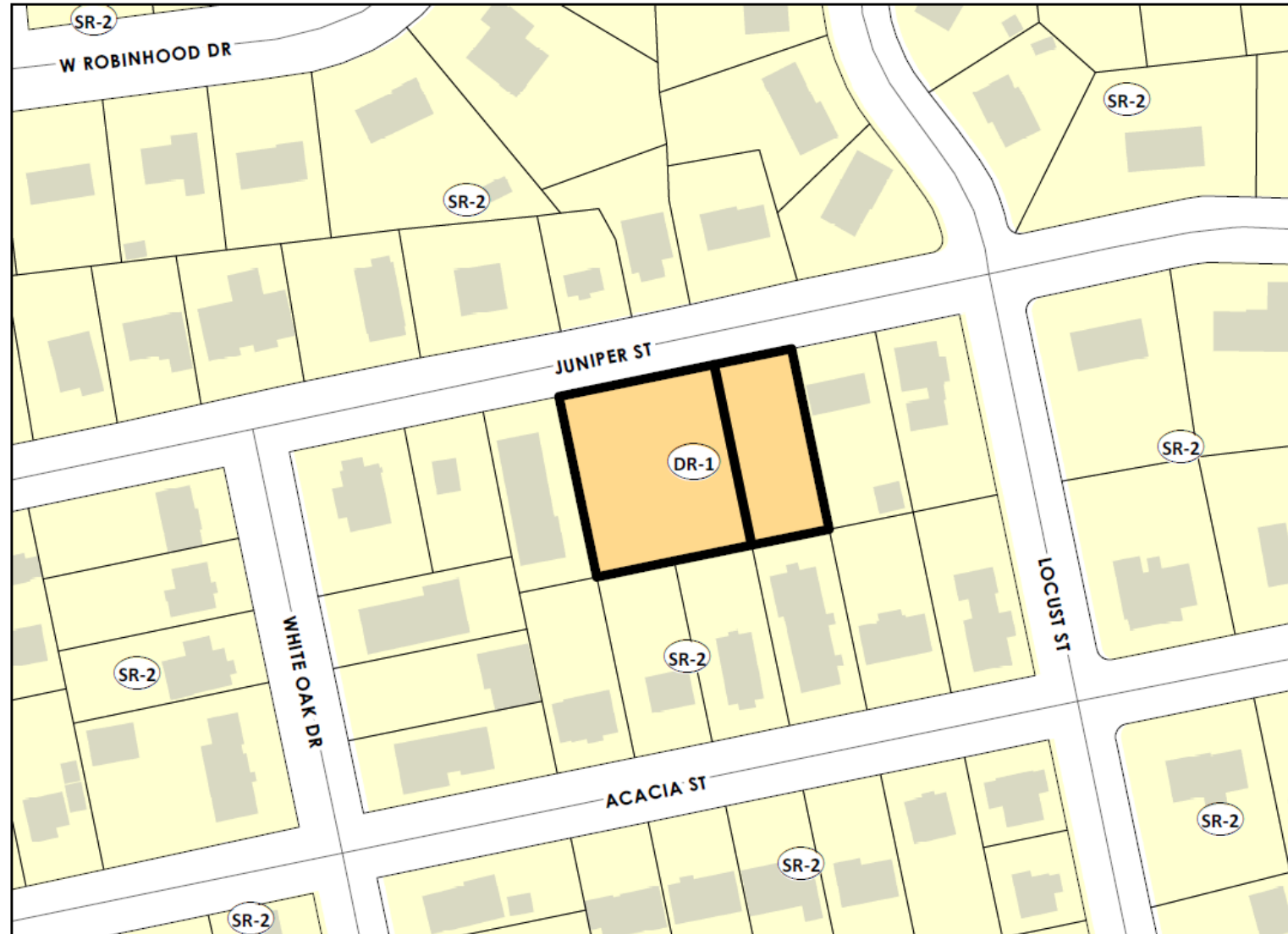
TMS #3500300185 and 186

approx. 0.60 ac.

Request subdivision concept plan approval  
for 11 lots and 10 one-family attached  
units. Zoned Diverse Residential (DR-1).

Owner: City of Charleston

Applicant: Forsberg Engineering and  
Surveying, Inc.

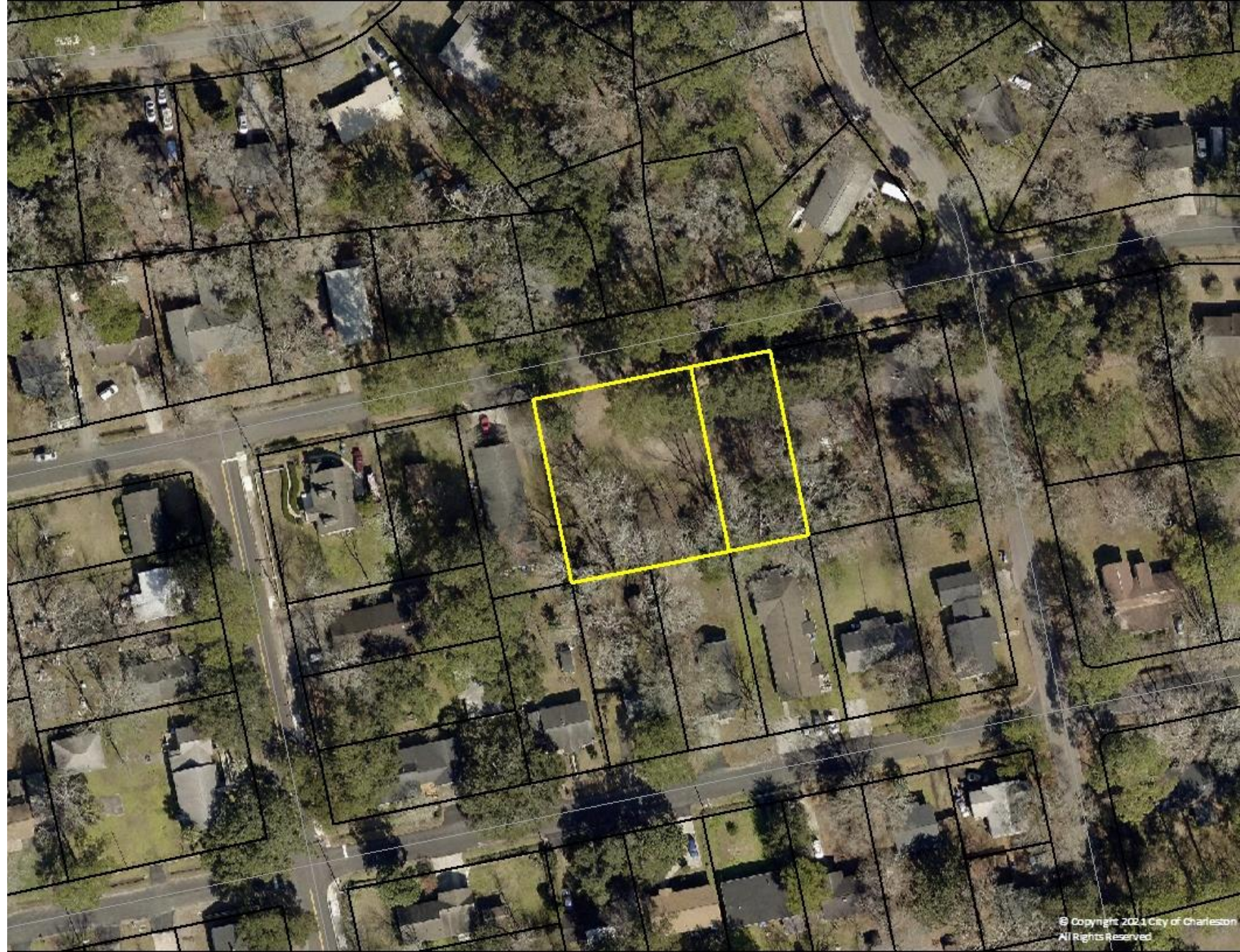




AERIAL

**SUBDIVISION 1**

**1555 JUNIPER ST  
(ARDMORE-SHERWOOD --  
WEST ASHLEY)**



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# Subdivision 1

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Staff Recommendation:

**APPROVAL**

# Public Comment Period

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# Subdivision 1: Discussion & Vote

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West Ashley)

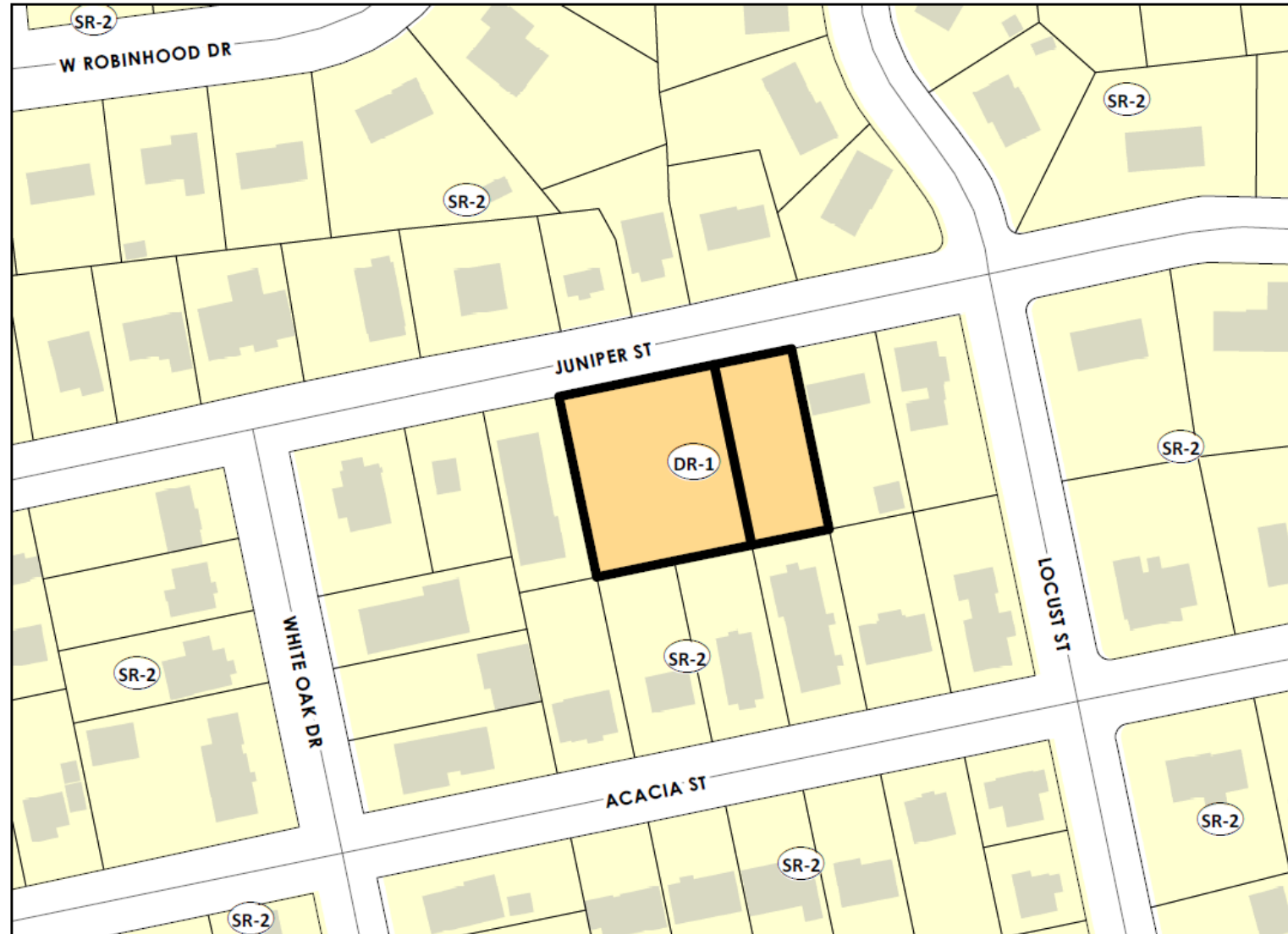
TMS #3500300185 and 186

approx. 0.60 ac.

Request subdivision concept plan approval  
for 11 lots and 10 one-family attached  
units. Zoned Diverse Residential (DR-1).

Owner: City of Charleston

Applicant: Forsberg Engineering and  
Surveying, Inc.



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# Zoning 1

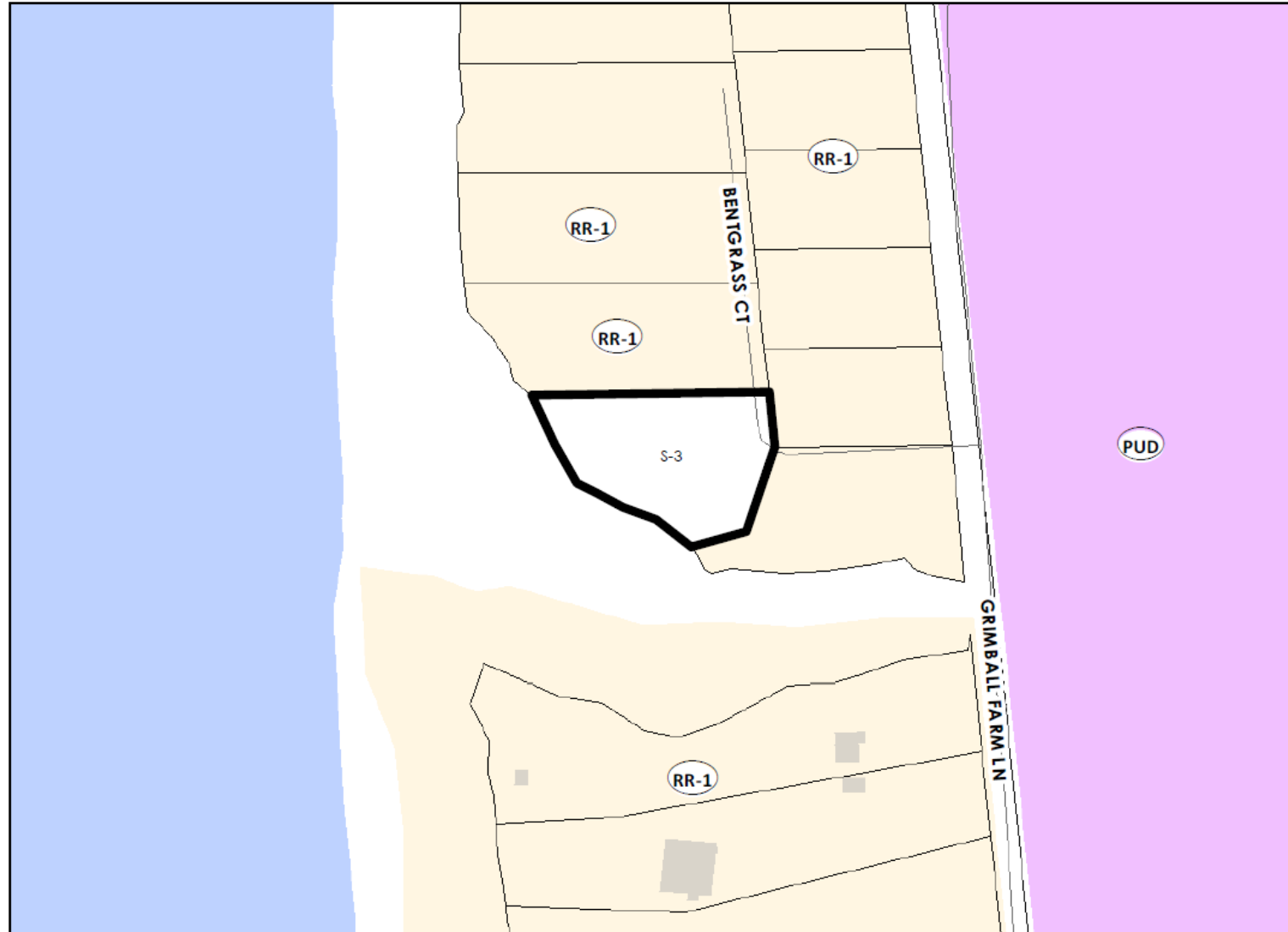
1819 Bentgrass Ct (Grimball Shores — James Island)

TMS # 3340300022

approx. 0.50 ac.

Request zoning of Rural Residential (RR-1). Zoned Special Management 3 District (S-3) in Charleston County.

Owners: Wynetka Ann Shutt and Frances Weatherly Kleckly

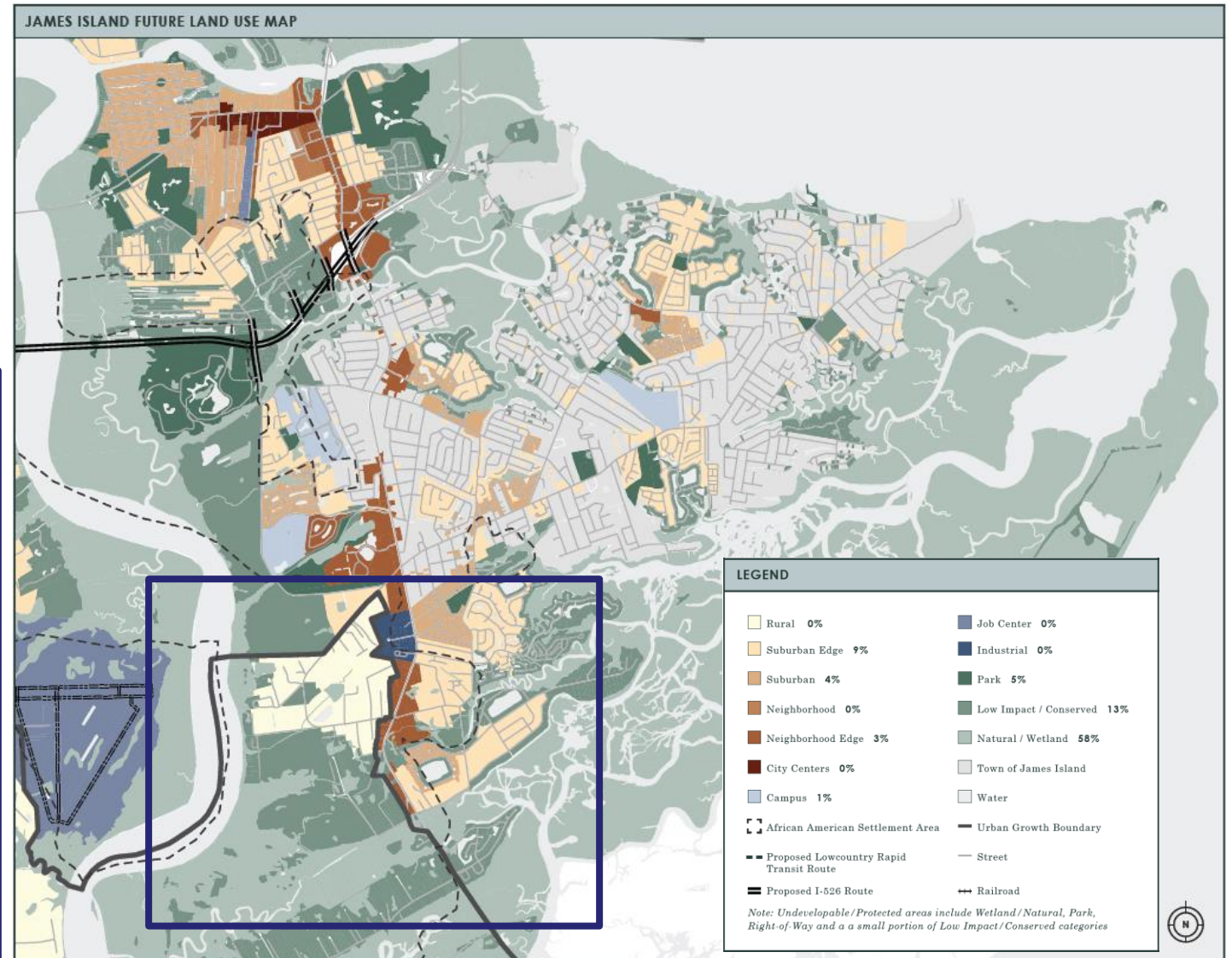


# City Plan Future Land Use Recommendation

ZONING 1

1819 BENTGRASS CT  
(GRIMBALL SHORES – JAMES ISLAND)

**LOW IMPACT/CONSERVED**





AERIAL

**ZONING 1**

**1819 BENTGRASS CT  
(GRIMBALL SHORES –  
JAMES ISLAND)**



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# Zoning 1

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Staff Recommendation:

**APPROVAL**



# Public Comment Period

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## Providing Comment:

- All applications heard today are part of a public meeting format.
- Applicants and members of the public have been required to register, indicate the agenda item they wish to comment on, and submit any documents by 12PM today in order to speak during the public comment period.
- Individuals registered to speak will be called in order for the applicable agenda item. Your microphone will be enabled when it is your turn to speak and disabled when you are done.
- You must state your name and address for the record.
- You may only speak once for each item.
- Unregistered individuals who raise their hand will not be called on to speak. Advance registration is required.
- Written public comments provided by 12PM today will be read or summarized by staff for the applicable agenda item and made part of the record.
- Members of the public that speak are encouraged to remain in the meeting for the completion of the item on which they commented.



# Zoning 1: Discussion & Vote

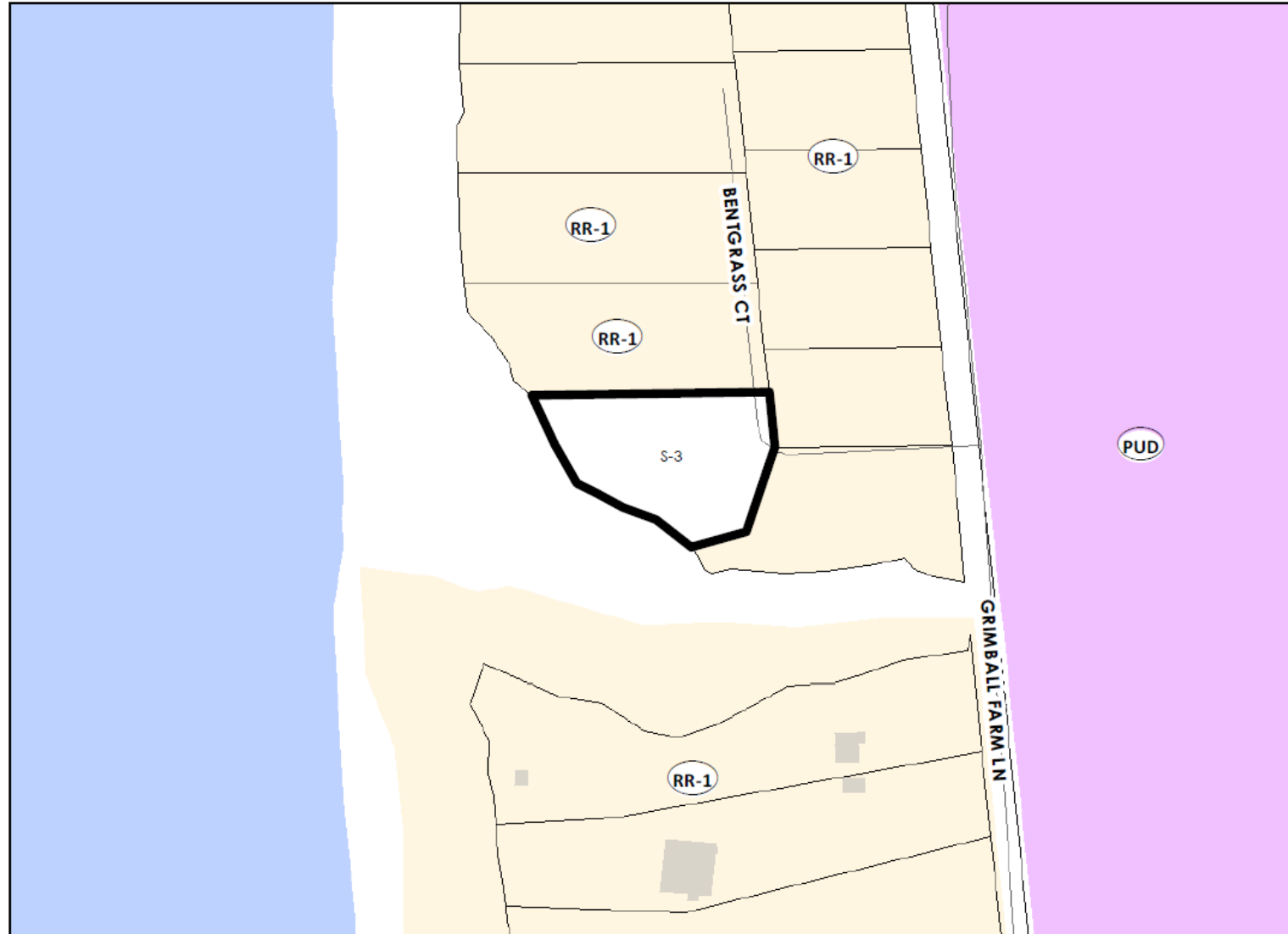
1819 Bentgrass Ct (Grimball Shores — James Island)

TMS # 3340300022

approx. 0.50 ac.

Request zoning of Rural Residential (RR-1). Zoned Special Management 3 District (S-3) in Charleston County.

Owners: Wynetka Ann Shutt and Frances Weatherly Kleckly



Go to [www.charleston-sc.gov/PC](http://www.charleston-sc.gov/PC) for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.

**STAFF PRESENTATION:**  
**MIXED-USE/WORKFORCE HOUSING DISTRICTS FEE-IN-LIEU**

# Fee-in-lieu Update October 18, 2021

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The City of Charleston's Department of Housing and Community Development completed an **assessment of the Mixed-Use Workforce Housing zoning in January 2021**. A written report was provided to Mayor Tecklenburg and Charleston City Council, as well as, the members of the Planning Commission.

Since that report in January 2021, until now, October 18, 2021, **two additional developments submitted funding (~ \$800,000) to City of Charleston as the fee in lieu alternative rather than build workforce housing on-site**. Both of these developments were re-zoned prior to the May 2021 update to the MU/WH ordinance, and thus, the new tiered fee structure does not apply to them.

**There are three (3) additional developments pending fee in lieu payments.** Each of these were also re-zoned prior to the May 2021 update to the MU/WH ordinance, and thus, the new tiered fee structure does not apply to these developments.

*Note: The City has utilized fee in lieu funds to facilitate the development of affordable housing, and thanks to staff, has been able to leverage those funds or combine with other City funding sources to increase its impact. However, when considering the estimated all in cost of ~ \$250,000 per unit, **the number of homes created directly with fee in lieu is a fraction of the number of affordable homes opted out of by the developer.***

# As of October 18, 2021

<b>FEE-IN-LIEU INCOME</b>	<b>AMOUNT</b>	<b># OF PROJECTS</b>	<b># WH UNITS OPTED OUT</b>
<b>Received income (since inception)</b>	\$9.3 M	11	317
<b>Anticipated Income (2021)</b>	\$2.0 M	3	72
<b>Revolving income</b>	\$1.5 M		
<b>Total</b>	\$12.8 M	14	389

<b>FEE-IN-LIEU EXPENDITURES</b>	<b>AMOUNT</b>	<b># OF PROJECTS</b>	<b>WH Units “All in cost” (\$250k/unit)</b>	<b>WH Units “Facilitated”</b>
<b>Expenditures made</b>	\$7.2 M	6	28.8	247
<b>Anticipated expenditures</b>	\$5.6 M	TBD	22.4	TBD
<b>Total</b>	\$12.8 M	TBD	49	TBD



# As of January 20, 2021

<b>FEE-IN-LIEU INCOME</b>	<b>AMOUNT</b>	<b># OF PROJECTS</b>	<b># WH UNITS OPTED OUT</b>
<b>Received income (since inception)</b>	\$8.5 M	9	285
<b>Anticipated Income (2021)</b>	\$2.6 M	4	96
<b>Revolving income</b>	\$1.1 M		
<b>Total</b>	\$12.2 M	13	381

<b>FEE-IN-LIEU EXPENDITURES</b>	<b>AMOUNT</b>	<b># OF PROJECTS</b>	<b>WH Units “All in cost” (\$250k/unit)</b>	<b>WH Units “Facilitated”</b>
<b>Expenditures made</b>	\$7.1 M	5	28.3	237
<b>Anticipated expenditures</b>	\$5.1 M	TBD	20.7	TBD
<b>Total</b>	\$12.2 M	TBD	49	TBD

**END OF SLIDES**